

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GERALD BOWEN,

Petitioner, Civil No. 07-939-AA

v. ORDER

CHARLES DANIELS,

Respondent.

AIKEN, District Judge.

Petitioner alleges in his Petition under 28 U.S.C. § 2241 that the Bureau of Prisons and FCI Sheridan are violating his rights under U.S. v. Gunning, 401 F.3d 1145 (9<sup>th</sup> Cir. 2005) by their management of his Inmate Financial Contract and seeks the following relief:

- 1.) Cease all collection activity;
- 2.) Identify petitioner as IFRP exempt; and
- 3.) Vacate all sanctions imposed.

Respondent's Answer states: "[G]iven the language of the Judgment (see Exhibit A of inmate Bowen's petition) and the Gunning decision, the restitution payment plan cannot be delegated to the BOP by the court. Based on the above, the BOP will cease collection activity pursuant to IFRP and will identify him as IFRP exempt. This action will place inmate Bowen in the same position as if he were identified as IFRP compliant." Respondent concedes that Inmate Bowen's Petition should be granted.

Accordingly, petitioner's Petition (#2) is allowed. However, respondent's Answer indicates that petitioner has already been provided the relief he requested in his petition and to which he is entitled under 28 U.S.C. § 2241. No further corrective is necessary or appropriate.

This proceeding is dismissed.

IT IS SO ORDERED

DATED this 3 day of September, 2007.

Ann Aiken  
Ann Aiken  
United States District Judge